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REMARKS

Claims 1-25 remain pending.

In the Office Action, the Examiner rejected claims 1, 4, and 5 under 35 U.S.C. § 102(e) as being anticipated by Jones, Jr. (U.S. Patent No. 6,624,816); rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Jones, Jr.; stated that claims 6-8 would be allowable if rewritten in independent form; and stated that claims 9-25 are allowed.

Applicants respectfully traverse the § 102(e) rejection of claims 1, 4, and 5 over Jones, Jr. Claim 1 requires an apparatus including, *inter alia*, “a power management unit to control the processor core based on a thermal power threshold and an electrical power threshold.” Jones, Jr. fails to disclose at least the above quoted element of independent claim 1.

Page 2 of the Office Action alleges that first processor 12 in Jones, Jr. corresponds to the claimed processor core. Page 2 of the Office Action also alleges that one or more of mode selector 76, thermal management unit 80, and power management unit 82 in Fig. 4 of Jones, Jr. corresponds to the claimed power management unit.

None of these cited elements of Jones, Jr., however, appear to “control the processor core” as required by claim 1. Mode selector 76 only appears to select between graphical functional units 72 and 74. See col. 4, lines 25-27, 37-39, and 50-51 (“to determine which graphics functional unit configuration should be selected” and “to switch to more favorable graphics functional unit configurations”). There is no disclosure in Jones, Jr. that mode selector 76 controls first processor 12 or first processor 88 (which appears in Fig. 4 along with cited components 76, 80, and 82).

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There is also no disclosure in Jones, Jr. that thermal management unit 80 or power management unit 82 "control[s] the processor core" as required by claim 1. Although col. 4, lines 54-62, discloses that units 80 and 82 may be "included within the first processor [88]," there is no accompanying disclosure that they control first processor 88. To the contrary, col. 4, lines 57-59, of Jones, Jr. provides:

Thermal management information and power management *control information are sent* by the first processor 88 *to the mode selector 76* via bus 78.

(emphasis added). This portion of Jones, Jr. only appears to disclose units 80 and 82 controlling mode selector 76 (i.e., not first processor 88) via the control information.

Because Jones, Jr. fails to disclose at least "a power management unit to control the processor core based on a thermal power threshold and an electrical power threshold" as set forth in claim 1, the § 102(e) rejection is improper and should be withdrawn. Dependent claims 4 and 5 are allowable at least by virtue of their dependence from claim 1.

Applicants respectfully traverse the § 103(a) rejection of claims 2 and 3 over Jones, Jr. 35 U.S.C. § 103(c)(1) provides:

(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

According to the Office's Assignment database, Jones, Jr. was assigned to Intel Corporation by virtue of an assignment recorded January 23, 2001, at reel/frame 011449/0081. The assignment

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of the current application (no. 10/808,882) to Intel Corporation was executed on March 22, 2004, before its filing date of March 24, 2004, as is recorded at reel/frame 015143/0477. Hence, the subject matter of Jones, Jr. and the currently claimed invention were, at the time the claimed invention was made, both owned or subject to an obligation of assignment to Intel Corporation.

As stated in 35 U.S.C. § 103(c)(1), this commonly-owned subject matter of Jones, Jr. "shall not preclude patentability" of the currently claimed invention. Thus, the § 103(a) rejection of claims 2 and 3 over Jones, Jr. is improper under § 103(c)(1) and must be withdrawn.

Reconsideration and allowance of all pending claims 1-25 are respectfully requested.

In the event that any outstanding matters remain in this application, Applicants request that the Examiner contact Alan Pedersen-Giles, attorney for Applicants, at the number below to discuss such matters.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0221 and please credit any excess fees to such deposit account.

Respectfully submitted,

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